

Unity of Invention Biotechnology Practice

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Types of Nucleic Acid Molecule Groups

DNA molecules cloned from a tissue	human liver library or small cell lung cancer
cDNAs cloned from a developmental stage	mRNA expressed in nematode ectoderm
Genes encoding proteins with same function	tumor suppressors
Cell type specific gene regulatory elements	G1 cell cycle promoters
✱ [Variants of a single gene]	polymorphisms or splice variants of cytokine X
cDNA which encodes one protein	DNA encoding SEQ ID NO:1

Q.2



Example of molecules claimed in the alternative:

Claim: An isolated molecule consisting of Formula 1-999 or 1000.

OR

Claim: An isolated nucleic acid molecule consisting of SEQ ID NO: 1-999 or 1000.

What is the technical feature that links the molecules?

P.3



Claim: An isolated DNA molecule consisting of SEQ ID NO: 1-99 or 100 which is useful for detecting *Salmonella typhii* strains.

PCT Rule 13.2, first sentence

Are the molecules linked by the technical feature DNA molecule for detecting *S. typhii*?

PCT Rule 13.2, second sentence

Is this technical feature a contribution over the prior art?

G. V.



Importance of Claim Order

37 C.F.R. 1.475(d)

If multiple products, processes of manufacture, or uses are claimed, the first invention of the category first mentioned in the claims of the application and the first recited invention of each of the other categories related thereto will be considered as the main invention in the claims, see PCT Article 17(3)(a) and § 1.476(c).

R.B.



When claims are presented in this order:

Claim 1. A purified PQR molecule.

Claim 2. A purified antibody that binds to PQR, produced by hybridoma ABC.

Claim 3. Method of making antibody of claim 1 by culturing hybridoma ABC.

Claim 4. Method of detecting cancer by using antibody of claim 1.

then lack of unity results in four groups

Group I, claims 1, drawn a PQR molecule. (First product)

Group II, claim 2, drawn an antibody. (Second Product)

Group III, claim 3, a method of making the antibody.
(Method of making the second product)

Group IV, claim 4, drawn a method of using the antibody.
(Method of using the second product)

9.6